

Application No. 09/972,299  
Amendment dated September 22, 2006  
Reply to Office Action of June 22, 2006

**REMARKS/ARGUMENTS**

Responsive to the Official Action mailed June 22, 2006, applicant has revised the claims of his application in an effort to place this case in condition for allowance. Specifically, claims 5-7, and 15 have been cancelled, and claims 1, 4, 9, 14, and 23 amended. Reconsideration is respectfully requested.

Applicant hereby affirms his election of the claims of Group I.

The above amendments to claims 4, 14, and 23 are believed to overcome the indefiniteness rejection made under 35 U.S.C. §112, second paragraph.

The above amendments made to claims 1 and 23 overcome the rejection of claims 1-11, 13, 23 and 24 as anticipated under 35 U.S.C. §102(b) by, or in the alternative, obvious under 103(a) over, Jacobs et al. (US Patent No. 5,810,954).

Jacobs et al. fail to disclose a nonwoven barrier fabric including a barrier layer that is selected from the group consisting of cellulosic pulp, microporous film and monolithic film, in combination with the other recitations of independent claims 1 and 23. For example, see col. 8, lines 47-56 of Jacobs et al.

The above amendments made to claims 1 and 23 also overcome the rejection of claims 1-5, 9-11 and 23 as anticipated under 35 U.S.C. §102(e) by, or in the alternative, obvious under 103(a) over, Clark et al. (US 2002/0009941 A1). For example, see paragraphs [0018]-[0019] of Clark et al.

The above amendments made to claim 14 overcomes the rejection of claims 14-16 as obvious under 103(a) over Jacobs et al. in view of Brown (US Patent No. 5,939,341). For example, see col. 2, lines 25-37 and col. 5, lines 49-55 of Brown.

Application No. 09/972,299  
Amendment dated September 22, 2006  
Reply to Office Action of June 22, 2006

Regarding the rejections of claims 6-8 and 12-16 made in paragraphs 17-20 of the Office Action based on various combinations of Jacobs et al., Clark et al and/or Brown et al., these rejections are not applicable to the currently amend claims for the reasons as indicated above.

In response to the provisional double patenting rejections of 1-13, 23 and 24 based on U.S.S.N. 10/263,482, and claims 1-5 and 8 based on claims 1, 2, 4 and 5 of U.S.S.N. 10/266,398, applicant points out that application No. 10/263,482 went abandoned on September 5, 2006, while claims 1, 2, 4 and 5 of application No. 10/263,482, now US Patent No. 7,070,884, recite a melt-blown barrier layer material, inter alia, and thus are patentably distinct from the claims of the present application reciting, inter alia, a barrier layer is selected from the group consisting of cellulosic pulp, microporous film and monolithic film.

In view of the foregoing, formal allowance of claims 1-4, 8-12, 14, 16, and 23-24 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicant's attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By



Stephen D. Geimer, Reg. No. 28,846

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 West Madison Street, Suite 3800  
Chicago, Illinois 60661  
312/876-1800



Application No. 09/972,299  
Amendment dated September 22, 2006  
Reply to Office Action of June 22, 2006

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **September 22, 2006**.

